

CONCLUDING THE ENQUIRY

Argument to Begin After Schley Corrects His Testimony.

Captain Chadwick Excuses Sampson's Bombardment of San Juan Forts by Saying That the

Had Been "Abrogated"—Lieutenant Hood Reported Sehley's Movements to the Commander-in-Chief—One More Witness to Be Called

Capt. F. E. Chadwick, before the Court of Enquiry yesterday, recanted a portion of the statement which he had made the day before. In his endeavor to make

attacking the forts at San Juan. Yesterday, when he went upon the stand to correct his testimony, he excused the bombardment by stating that the Department's orders had been "abrogated" to such an extent that he was

Lieut. John Hood, who commanded the Hawk, was recalled to the stand yesterday.

vinced from what he saw and heard that Cervera was not in Cienfuegos, and then he went back to the blockade off Havana, and, in the absence of Sampson, reported his findings to the commanding officer.

testimony was to the effect that Captain Sigsbee had not stated to him that Cervera was not in the harbor of Santiago. He was upon the press boat Somers N.

not in the harbor. Scovel did not hear Sigsbee made that statement, and he thought he would have heard it if it had been made.

The Court adjourned at 1 o'clock yes-

Admiral Schley will then go on the stand again to correct his testimony and make any additional statement he may desire. It is thought that the arguments will be presented by Mr. Schley.

Captain Lemly—I have one or two preliminary matters I would like to address the Court upon. In the first place, Lieutenant Harlow was recently written to to

which he says that he has examined his diary, and that he finds no record of this message or any reference to it. I would now like to say that I have conferred with senior counsel in the matter

er and Mr. Rayner in the order named, and the judge advocate to close. If that is agreeable to the Court, it will be the order.

The Court.—That is entirely agreeable.

part as to whether we are expected to confine ourselves to the evidence and the scope of the precept as defined by the court. I mean the arguments made both by counsel for the applicant and by my

not in the evidence. But as to the way we may talk is a different proposition. We, of course, will have latitude in the matter. Of course we will argue respectfully and within the proper bounds. It is

difficult matter to define this business, however, and I don't exactly understand what the judge advocate is driving at. Captain Lemly—The Court has defined the scope of the present, but we could not

the arguments proffered. In courts of equity and courts-martial in the past, before modern methods were introduced and the stenographic report was available, it was the practice to furnish the

ents, counsel who might have presented it were so informed and were not allowed to read it, although it might be appended to the record of the enquiry. The Court will remember that that was

Mr. Rayner—Of course we would not extend to refer to anything not in the

On me, I want the constitutional right to argue this case just the same as I could argue any other case. I want to make comment and criticism. I cannot tie myself to some certain prearrangement. I have not written my argument; I do not know exactly what

it my duty to say so and if I should find that a witness has made a mistake should want to point out that mistake. I don't want to be restricted in any such way in my argument.

The Court—No; not at all.

correspondent of a few local papers in Cuba, and stationed there as such during the war. He is the correspondent who achieved some notoriety during the Spanish war not only by reason of his defeat but also because of an encounter

In response to questions by Captain [redacted] the witness stated that he was [redacted] the Somers N. Smith during the [redacted] that on May 28 they fell in with the [redacted] Paul, Captain Sigbee in charge, close [redacted] [redacted] [redacted] [redacted] [redacted]

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